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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,448	11/30/2000	Kouichiro Hara	001525	9437

23850 7590 06/24/2005

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EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/725,448	Applicant(s) HARA, KOUICHIRO	
	Examiner Michael J. Fisher	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komei.

Komei discloses a delivered article storage control system (title) with a reader means (as best seen in fig 3A, on sheet 3 of 9) for reading a trader identifier (identification card, as recited in claim 1), it would be inherent that they are decided beforehand as they have numbers associated with their names, operation keys (input keyboard 6), an electric lock (not specifically mentioned, however, the locker is shown as being opened remotely in col 2, lines 45-50 in response to an electronic signal thereby meeting the limitations as claimed), a sensor for detecting articles (15A), a central control unit (A) that communicates with the control center (R2, as best seen in fig 1).

Komei does not, however, teach who supplies the identifier or who delivers the articles.

It would be obvious to one of ordinary skill in the art for the trader, who would deliver the package, to supply the identifier as the trader would be the person who uses the identifier.

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Claims 2-4, as best understood, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komei.

Komei discloses a locker system as discussed above.

As to claim 2, Komei does not, however, teach comparing expected price with the price the deliverer is trying to accept. Further, it is very well known in the art for the provider of an article to decide on the value and/or price of the article. Therefore, it would have been obvious to one of ordinary skill in the art for the provider to decide the price as the provider is the one selling the article. Further, to limit the value of articles accepted so as to limit the liability that could be entailed by the theft, loss or damage to a too high priced article.

Komei does teach a receipt provider (col 5, lines 15-18). It would have been obvious to one of ordinary skill in the art to provide a means for checking prices to ensure against fraud.

As to claim 3, Komei does not discuss payment options. Cash On Delivery (C.O.D.) mailings are very well known in the art and therefore, it would have been obvious to one of ordinary skill in the art to allow for C.O.D. mailings to make the system more versatile.

As to claim 4, it is very well known in the art for there to be remote payment locations for utilities (such as at banks or supermarkets) and therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Komei by making it available for remote payments to utility companies via the apartment owner to ease such payments. Further, it would have been obvious to one of ordinary

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skill in the art to settle payment with the owner of the building as they are responsible for the building. Further, bar code readers are very well known in the art and therefore it would have been obvious to one of ordinary skill in the art to use a bar code reader to ensure accuracy.

As to claim 5, Komei does not discuss payment options or shopping over the Internet. Using a computer to shop online is very well known in the art and 'Cash On Delivery' (C.O.D.) mailings are very well known in the art and therefore, it would have been obvious to one of ordinary skill in the art to allow for C.O.D. mailings to make the system more versatile.

Response to Arguments

Applicant's arguments, filed 3/30/05, with respect to rejections under 35 USC 112 have been fully considered and are persuasive. The rejection of claims 1-5 under 35 USC 112 has been withdrawn.

Applicant's arguments with respect to the rejection under art filed 3/30/05 have been fully considered but they are not persuasive. The actual person delivering goods is not considered to be patentably distinct. As to arguments in relation to claim 2, this limitation is considered by the examiner to be an obvious variant, thus requiring the rejection under 35 USC 103 instead of 35 USC 102. As to claim 3, Cash On Delivery items are not given to the recipient until payment has been made, as is discussed in the above rejection. As to claim 4, the examiner did not address the bar code reader in the


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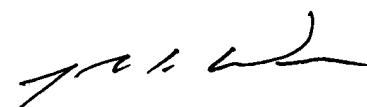
previous rejection. This deficiency has been corrected. As to claim 5, as the locker uses a computer and computer shopping is very well known in the art the examiner stands by this rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF 
6/22/05


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600